

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
BENJAMIN BARNARD JOSHUA,)	
Register Number 14360-045,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 9th day of March, 2009.

George E. B. Holding
United States Attorney

BY: /s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 9th day of March, 2009, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Benjamin Joshua
Reg. No. 14360-045
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461
Telephone: (919) 575-3900 x 6078
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CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Anthony A. Jimenez, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Benjamin Barnard Joshua, Register Number 14360-045, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 25-year military term of imprisonment, following his convictions for Disobeying the Order of a Superior Commissioned Officer, Forcible Sodomy of a Child Under Sixteen (three specifications), Assault and Battery on a Child Under Sixteen, Conduct Unbecoming an Officer (five specifications), Indecent Acts With a Child Under Sixteen (seven specifications), Taking Indecent Liberties With a Child Under Sixteen (five specifications), Obstruction of Justice (two specifications), and Soliciting a Child Under Sixteen to Commit an Indecent Act, in violation of Articles 90, 125, 128, 133, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 890, 925, 928, 933, and 934 (Department of the Army, Headquarters, 3d Infantry Division, APO Army Europe 09036) (General Court Martial Case ACMR 9402074). His offense conduct occurred between April of 1993 and June of

1994 and involved various sexual conduct with approximately ten German and American male children between the ages of eight and fourteen years old. Inmate Joshua befriended the children and lured them over to his quarters on multiple occasions with video and computer games, food, and gifts. Inmate Joshua's sexual conduct with these children included fondling their penises over and under their clothing; performing oral sex on them; forcing them to engage in the "sixty-nine" position; forcing them to masturbate him; showing them pornographic videos, books, and photographs stored on his computer; and putting his hand under their shirts and rubbing their chests and stomachs. His projected release date is March 17, 2009.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

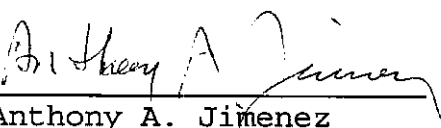
(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct;

(b) A limited psychological review indicated the following: Axis I diagnoses of Pedophilia, Sexually Attracted to Males, Nonexclusive Type, and Alcohol Dependence

in a Controlled Environment (Rule Out); Axis II diagnosis of Personality Disorder Not Otherwise Specified with Antisocial Features;

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his current offense conduct, failure in sex offender treatment, intimacy deficits, poor general and sexual self-regulation, and sexual preoccupation, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Anthony A. Jimenez
Chairperson
Certification Review Panel
Federal Bureau of Prisons

3/2/2009
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
BENJAMIN BARNARD JOSHUA,)	
Register Number 14360-045,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2009.

W. EARL BRITT
Senior U.S. District Judge